

AMENDMENTS TO THE CLAIMS:

This following list of claims will replace all prior listing of claims in the application.

Please cancel claim 1 without prejudice or disclaimer, and add new claims 110-136, as follows:

1-109. (Canceled)

110. (New) A surgical instrument used in an endoscopic fundoplication, comprising:

an elongated tube having a proximal end and a distal end;
a distal member coupled proximate the distal end of the tube and
configured to fold a fundus of a stomach toward an esophageal wall;
and

a grasper configured to grasp at least a portion of the fundus or the
esophageal wall;

wherein the grasper is coupled to one of the elongated tube and the distal
member.

111. (New) The instrument of claim 110, wherein the distal member includes a stationary member and a rotatable member rotatably coupled to the stationary member, the rotatable member rotatably movable with respect to the stationary member between an open position for receiving at least a portion of the fundus and the esophageal wall and a closed position for folding the fundus of the stomach toward the esophageal wall.

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112. (New) The instrument of claim 111, wherein the grasper is located between the stationary member and the rotatable member.
113. (New) The instrument of claim 111, wherein the grasper includes a first grasping member rotatably coupled to the stationary member.
114. (New) The instrument of claim 113, wherein the first grasping member includes a first grasping surface and the stationary member includes a second grasping surface associated with the first grasping surface so as to grasp the at least the portion of the fundus or the esophageal wall therebetween.
115. (New) The instrument of claim 111, wherein the distal member is configured to deploy a fastener to the folded fundus and esophageal wall.
116. (New) The instrument of claim 115, wherein the fastener has a first part and a second part, the stationary member is configured to hold the first part and the rotatable member is configured to hold the second part in opposed relation with the first part.
117. (New) The instrument of claim 110, further comprising a control member configured to control operation of at least one of the distal member and the grasper, the control member located proximate the proximal end of the tube.

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118. (New) The instrument of claim 117, further comprising at least one control cable extending from the control member to at least one of the distal member and the grasper through the tube.
119. (New) The instrument of claim 110, wherein the tube includes a port for an endoscope.
120. (New) The instrument of claim 110, wherein the at least a portion of the fundus or the esophageal wall grasped by a grasper is a gastroesophageal junction.
121. (New) A method of performing invagination, comprising:
 - inserting a surgical instrument transorally into a stomach, the instrument having a distal member configured to fold a fundus of the stomach toward an esophageal wall, and a grasper configured to grasp a portion of the fundus or the esophageal wall;
 - grasping a portion of the fundus or the esophageal wall with the grasper;
 - and
 - folding the fundus toward the esophageal wall with the distal member, while grasping the portion of the fundus or the esophageal wall.
122. (New) The method of claim 121, wherein the grasper is integrally formed with the distal member.

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123. (New) The method of claim 121, wherein the distal member includes a stationary member and a rotatable member rotatably coupled to the stationary member, and the step of folding the fundus includes rotating the rotatable member with respect to the stationary member so as to fold the fundus toward the esophageal wall.
124. (New) The method of claim 121, further comprising applying a fastener with the distal member to secure the fundus to the esophageal wall.
125. (New) The method of claim 124, wherein the fastener has a male member and a female member, and the distal member includes a first part configured to hold the male member and a second part coupled to the first part and configured to hold the female member in opposed relation with the male member.
126. (New) The method of claim 125, wherein applying the fastener includes rotating at least one of the first and second parts with respect to the other of the first and second parts so as to cause engagement between the male and female members.
127. (New) The method of claim 125, wherein applying the fastener includes actuating an actuator for engagement between the male and female members, the actuator being coupled to a proximal end of the surgical instrument.

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128. (New) The method of claim 121, wherein an endoscope is inserted into a proximal end of the instrument before the instrument is inserted into the stomach.
129. (New) An instrument for folding multiple tissue layers of a body, comprising:
 - an elongated tube having a proximal end for extending outside of the body
 - and a distal end for positioning proximate the multiple tissue layers;
 - a distal member coupled to the distal end of the tubular member and configured to fold the multiple tissue layers together; and
 - a grasper coupled to one of the distal member and the tube for grasping a portion of at least one of the multiple tissue layers.
130. (New) The instrument of claim 129, wherein the multiple tissue layers are an esophageal wall and a fundus wall.
131. (New) The instrument of claim 129, wherein the distal member includes a stationary member and a rotatable member rotatably coupled to the stationary member, the rotatable member rotatable between an open position for receiving the multiple tissue layers and a closed position for folding the multiple tissue layers therebetween.
132. (New) The instrument of claim 131, wherein the grasper is located between the stationary member and the rotatable member.

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133. (New) The instrument of claim 131, wherein the grasper includes a first grasping member rotatably coupled to the stationary member.
134. (New) The instrument of claim 133, wherein the first grasping member includes a first grasping surface and the stationary member includes a second grasping surface configured to engage with the first grasping surface so as to grasp the portion of at least one of the multiple tissue layers therebetween.
135. (New) The instrument of claim 129, wherein the distal member is configured to deploy a fastener to the multiple tissue layers.
136. (New) The instrument of claim 135, wherein the fastener has a first part and a second part, and the distal member includes a stationary member and a rotatable member coupled to the stationary member, the stationary member being configured to hold the first part and the rotatable member being configured to hold the second part in opposed relation with the first part.

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